

PROB 12C
(7/93)

Report Date: December 23, 2013

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Raymond Guerrero

Case Number: 0980 2:10CR02051-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Chief U. S. District Judge

Date of Original Sentence: December 9, 2010

Original Offense: Possession of a Firearm by Prohibited Person, 18 U.S.C. § 922(g)(1);
Possession of an Unregistered Firearm, 26 U.S.C. § 5861(d)

Original Sentence: Prison 46 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alexander Carl Ekstrom

Date Supervision Commenced: December 10, 2013

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: December 9, 2016

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Raymond Guerrero was arrested on December 13, 2013, by the Yakima Police Department Gang Unit for second degree unlawful possession of a firearm, Yakima County Superior Court case number 13-1-01787-9.

On December 16, 2013, the defendant appeared in court and bail was set at \$50,000. Mr. Guerrero posted the bail amount and was released from custody that same day. His next hearing is scheduled for December 30, 2013.

- 2 **Mandatory Condition # 5:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Supporting Evidence: Raymond Guerrero possessed a firearm on December 13, 2013.

On December 18, 2013, the defendant reported for an office visit and admitted to having possessed his friend's firearm for a brief moment. He reported that on December 13, 2013, he rented a room at a local motel and started drinking alcohol with two Florencia 13 Sureno

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gang members and convicted felons Jose "Mini Snaps" Efren Silva and Renferri "Pollo" Torres. The defendant advised while in the room Mr. Silva showed him a black firearm which he briefly handled and gave back to Mr. Silva. When asked why he handled the weapon, Mr. Guerrero related he just wanted a closer look. The defendant reported Mr. Silva intended to "put in work" or do a drive-by shooting on a rival gang member that night as it was Friday the 13th, the Florencia 13 birthday. Mr. Guerrero mentioned he did not intend to participate in any drive-by shooting that evening.

- 3 **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: Raymond Guerrero used methamphetamine on December 13, 2013.

On December 18, 2013, the defendant reported for an office visit and admitted to using methamphetamine at a local motel on December 13, 2013. Mr. Guerrero reviewed and signed an admissions form acknowledging the aforementioned.

- 4 **Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: Raymond Guerrero associated with two convicted felons on December 13, 2013, as noted in violation 2.

On December 18, 2013, Mr. Guerrero reported for an office visit and admitted to associating with two convicted felons. The defendant advised he had been in prison with both individuals and knew them well. Mr. Guerrero related that although he knew he was not to have any contact with them, he figured he would not get caught.

- 5 **Special Condition # 14:** You shall not associate with known criminal street gang members or their affiliates.

Supporting Evidence: Raymond Guerrero associated with two gang members on December 13, 2013, as noted in violation 2.

On December 18, 2013, Mr. Guerrero reported for an office visit and admitted to associating with two gang members. The defendant indicated he had been in prison with both individuals and knew them well. Mr. Guerrero related that although he knew he was not to have any contact with known gang members, he figured he would not get caught.

- 6 **Special Condition # 18:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Raymond Guerrero consumed alcohol on December 13, 2013.

On December 18, 2013, the defendant reported for an office visit and admitted to consuming alcohol at a local motel on December 13, 2013.

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Special Condition # 14: You shall not associate with known criminal street gang members or their affiliates.

Supporting Evidence: Raymond Guerrero associated with a known criminal street gang member on December 22, 2013.

On December 23, 2013, an officer with the Yakima Police Gang Unit contacted the undersigned officer and reported Mr. Guerrero had been questioned in reference to an assault (Yakima Police Department (YPD) case number 13Y052630). The officer advised that during the contact the defendant appeared to be intoxicated and admitted to drinking alcohol.

According to the incident report, on December 22, 2013, officers responded to an assault charge. Upon arriving at the scene, the victim (defendant's girlfriend) reported she was in a vehicle with the defendant, another female, and a person she only knew as "Mini Snaps," who was later identified as documented Sureno gang member Jose Silva. The victim related she had been arguing with her boyfriend and Mr. Silva tried to intervene. She mentioned when she told Mr. Silva to mind his own business, he started punching her in the face. The victim sustained several lacerations on the inside of her mouth and swelling to the right and left side of her face. When the defendant was asked why he did not try to stop the assault, he responded by saying someone held a gun to his head, but would not say who that person was.

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Special Condition # 18: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Raymond Guerrero consumed alcohol on or about December 22, 2013 as noted in violation 7.

On December 23, 2013, the undersigned officer contacted the defendant by phone and discussed violation 7. Mr. Guerrero admitted to consuming alcohol on December 22, 2013.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/23/2013

s/Jose Vargas

Jose Vargas
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

December 23, 2013

Date